

A REPORT TO THE PLANNING COMMISSION

Item No. 2

P.C. AGENDA OF: October 17, 2007

Application complete date:	N/A
Project Planner:	Van Lynch
Project Engineer:	Frank Jimeno

SUBJECT: CT 06-16/CUP 06-16/SUP 07-05/V 07-04 – CARLSBAD BOAT CLUB AND RESORT – Request for a Tentative Tract Map, Conditional Use Permit, Special Use Permit and Variance, for the demolition of a restaurant and single family residence and to allow the construction of a twenty-six (26) unit timeshare condominium project on one acre of land located on the south side of Adams Street, between Highland Drive and Park Drive in Local Facilities Management Zone 1.

I. RECOMMENDATION

That the Planning Commission ADOPT Planning Commission Resolutions No. 6348, 6349, 6351 and 6352 DENYING Tentative Tract Map (CT 06-16), Special Use Permit (SUP 07-05) and Variance (V 07-04) and RECOMMENDING DENIAL of Conditional Use Permit CUP 06-16 based on the findings contained therein.

II. INTRODUCTION

The proposal involves the demolition of a restaurant and single family residence (Boat Club) located on the north shore of the Agua Hedionda Lagoon, and to construct a 26-unit timeshare condominium. The project is located on one acre of land located on the south side of Adams Street between Highland Drive and Park Drive in LFMP Zone 1. The property is within the Agua Hedionda Segment of the Local Coastal Program (LCP). The Agua Hedionda LCP Segment is in an area of deferred certification where the City of Carlsbad does not have permit authority to issue Coastal Development permits and thus, the project will need to obtain a Coastal Development Permit issued by the California Coastal Commission. Staff is recommending denial of the project because of the inability to meet the required Conditional Use Permit findings for a timeshare project.

III. PROJECT DESCRIPTION AND BACKGROUND

The project consists of demolishing the existing “Boat Club” facility and constructing a new 26-unit timeshare condominium along the north shore of the Agua Hedionda Lagoon. The new timeshare building is three stories over an underground parking garage. Access is via a concrete driveway off Adams Street which will circulate down on the westerly side of the property to the garage level. The garage level is at the eight foot elevation, eight feet above the mean high tide. The parking garage provides 30 parking spaces plus two boat storage spaces. Two guest parking spaces are provided outside the parking garage. Above the garage is the first floor living space for nine timeshare units and individual storage units for 20 of the timeshare units. In the center of the first floor is a courtyard, roughly 30 feet by 45 feet which is open to the sky above. The second floor provides nine timeshare units and six storage units, which are the storage units for



the first floor living units. The third floor contains eight living units. The project provides a balanced mix of studio, one, two and three bedroom units. The roof plan calls for a flat roof with an area for an observation deck, elevator penthouse and mechanical equipment yard. The building has a sloped 4:12 barrel tile roof parapet element which wraps around the building. The project also proposes to remodel the existing recreation center building and to recondition the existing boat launch ramp. Trash enclosures will be located at the garage level. Two stairwells and an elevator provide vertical access from top to bottom. An at-grade exterior stairway is located along the easterly side of the property from Adams Street to the bottom of the property. A pedestrian trail as part of the citywide trail plan is proposed within the existing sewer line easement which traverses the site on the lower portion of the property.

On August 16, 1955 the City Council approved a Special Use Permit by Ordinance 9043 (attached) for the operation of launching and docking of boats, a soft drink and lunch stand and a structure for the sale of gasoline, oil and related sales. A history of building permits issued for the site is as follows:

December 1963 – Commercial Service building 576 sq. ft.

April 1964 – Addition to F-2 occupancy 864 sq ft.

March 1970 – addition (alteration) of 1639 sq ft of dining room – 81 person occupancy. (Ernie Carter).

1972 – correction letter to allow use as a restaurant (Circus Restaurant).

September 1982 - 336 sq ft desk for restaurant.

November 1982 - 40 amp commercial panel.

October 1988 - restaurant remodel Zdravko Simonovic – Chez Milene Restaurant (V.I.P Partners).

October 1988 - 422 patio addition.

May 1990 – electrical panel upgrade.

August 1995 – new gas line service.

April 1999 – re-roof clubhouse 800 sq ft flat roof.

In past years, the boat club has operated as a variety different restaurants: Peanuts, The Restaurant, La Maison Du Lac, Chez Milene and Jose's Baja Grill. No specific history or dates are available other than building permit history noted above.

As early as 1956, the site and four other surrounding properties were General Plan Land Use designated Recreational Commercial (RC – since redefined as Travel Recreation/Commercial (TR)) and zoned as Residential Tourist (RT). In 1991, the General Plan Land Use designation of the adjacent site to the east was changed from Recreational Commercial (RC) to Residential Low Medium Density (RLM). The Zoning was also changed from Residential Tourist to R-1-15,000. Three other parcels to the north across Adams Street have been developed with single family homes (1991) yet retain the RT Zoning designation and are RLM Land Use designated. The Boat Club parcel is the last remaining parcel with a TR Land Use designation and RT Zoning in the immediate area.

The facility has operated without neighbors until 1991 when residential construction began to fill in around the site. The surrounding residences are fairly new in relation to the operation of the Boat Club. The single family residence adjacent to the east was finalized on November 2002. The other two further to the east were finalized in July, 1999 and August, 2000. The two residences to

the north, across Adams Street were built in 1991 and 1997. To the west is a new residence approved in 2007 which is currently under construction.

The site is presently occupied by a restaurant which is closed but maintains an active business license, a two bedroom single family residence, and the existing 576 square foot boathouse which will remain. The Boat Club which provides the boat launch facility for members has been in continuous operation. No significant habitats exist on the site which is landscaped with ornamental plantings.

IV. ANALYSIS

The project is subject to the following plans, ordinances and standards:

- A. Travel/Recreation Commercial (T-R) General Plan Land Use Designation;
- B. Subdivision Ordinance (Title 20 of the Carlsbad Municipal Code);
- C. Residential Tourist (RT) Zone, Carlsbad Municipal Code, Chapter 21.20;
- D. Planned Development Ordinance (Chapter 21.45 of the Zoning Ordinance);
- E. Conditional Use Permit findings (Chapter 21.42, Section 21.42.155);
- F. Local Coastal Program (LCP) Agua Hedionda Segment;
- G. Special Use Permit- Floodplain (Chapter 21.110);
- H. Variance for Building height (Chapter 21.50);
- I. Hillside Development Ordinance (Chapter 21.95 of the Zoning Ordinance); and
- J. Growth Management Ordinance Local Facilities Management Plan (LFMP) Zone 1.

The recommendation for denial of the project was developed by analyzing the project's inconsistency with the applicable regulations and policies. The project's compliance or non-compliance with each of the above regulations is discussed in detail in the sections below.

A. General Plan

The project is not consistent with the all applicable policies and programs of the General Plan. Particularly relevant to the Timeshare project are the Land Use, Circulation, Noise, and Public Safety elements. Table A below indicates how the project complies or does not comply with these particular elements of the General Plan.

TABLE A – GENERAL PLAN COMPLIANCE

Element	Use Classification, Goal, Objective or Program	Proposed Use and Improvements	Compliance
Land Use	Site is designated for Tourist/Recreation Commercial development.	Proposed Timeshare project serves the travel and recreational need and is located adjacent to Agua Hedionda Lagoon.	Yes
	Ensure that the review of future projects places a high priority on compatibility of adjacent land uses.	The project has been determined to be incompatible with the adjacent residential single family neighborhood at the scale and intensity of development proposed.	No
	Encourage commercial recreation or tourist destination facilities, as long as they protect the residential character of the community.	Project does not protect the residential character of the community.	No
Circulation	Require new development to construct roadway improvements needed to serve the proposed development.	The project would be conditioned to provide street improvements to Adams Street.	Yes
	Adequate circulation infrastructure to serve the projected population.	Adams Street is adequate for the traffic generated by the use. Use of Timeshare is roughly half of traffic generation of previous restaurant uses.	Yes
Noise	A City where land uses are not significantly impacted by noise.	The project site is not impacted by noise but has the potential to generate noise (boat launch, boathouse activities and traffic) which could be significant to adjacent single family residences.	No

TABLE A – GENERAL PLAN COMPLIANCE CONTINUED			
Element	Use Classification, Goal, Objective or Program	Proposed Use and Improvements	Compliance
Public Safety	Provision of emergency water systems and all-weather access roads.	All necessary water mains, fire hydrants, and appurtenances must be installed prior to occupancy of any unit and all-weather access roads will be maintained throughout construction.	Yes
	Enforce the State Map act provision that subdivision maps may be denied if a project site is not physically suitable for either the type or density of a proposed development.	Project is not physically suitable for the density of development proposed.	No

B. Subdivision Ordinance

The project proposes an airspace subdivision of 26 timeshare units. Chapter 20.16 of the Subdivision Ordinance addresses the requirements of a major subdivision (a subdivision creating more than four parcels). These requirements deal mostly with providing the drainage, sewerage, and circulation dedications and improvements needed to serve the subdivision.

The proposed timeshare subdivision will provide all necessary facilities prior to, or concurrent with, construction. The hydrology report, submitted by the applicant, indicates that all runoff can be controlled on-site with no overall increase. The on-site sewer system would be connected to the existing system which traverses the site. The water system would involve provision of looped service from the existing lines in Adams Street. Improvements will be made along the frontage on Adams Street. No standard variances are needed to approve the project.

Both the Map Act and Title 20.12.19 (required findings) of the Carlsbad Municipal Code require findings for approval of maps. One specific finding that cannot be made is that the site is physically suitable for the proposed density of development. The analysis above and below discuss the suitability of the site for the proposed timeshare project.

C. Residential Tourist (RT) Zone

The Residential Tourist (RT) Zone (Chapter 21.20 of the Carlsbad Municipal Code) implements the Travel/Recreation Commercial General Plan Land Use designation. The RT Zone only permits dwellings and large and small family day care homes by right. A variety of Conditional Uses which are commercial and recreational in nature, including Timeshares, are allowed by Conditional Use Permit. The project complies with the development standards of the RT Zone as shown in Table B below.

TABLE B – RESIDENTIAL TOURIST COMPLIANCE

Code Section	Standard	Provided	Compliance
Building Height	Not to exceed 35 feet.	35 feet to top of building with elevator penthouse at 36 feet*.	Yes
Setbacks- Buildings	Front: 20 feet Street side: n/a Interior side: 5 foot minimum one side 10 foot minimum on other side. Rear: 20 ft.	Front: 26 ft. Street side: n/a. Interior side: 6 feet on east side 31 feet west side Rear: 80 ft.	Yes
Setbacks- Driveways and Parking	Front: 20 ft. Street side: 10 ft. Interior side: 5 ft. Rear: 20 ft.	Front: 26 ft. Street side: n/a. Interior side: 10 ft. Rear: 45 ft minimum.	Yes
Lot Area	Min. 7,500 square feet	1.02 Ac (44,431 sq ft)	Yes
Lot Width	60 ft wide minimum	133.81 ft	Yes
Lot Coverage	75 % max.	69.4%	Yes
Parking	1.2 parking stalls per unit required; 32 spaces	32 parking stalls	Yes

* Roof structures specifically for the housing of elevators may be erected above the building height prescribed.

D. Planned Development Ordinance (Chapter 21.45 of the Zoning Ordinance)

The project is subject to the Planned Development Ordinance per the Conditional Use Permit requirements for Timeshare projects identified in Section 21.42.155. A Planned Development compliance table, attached to the Staff Report as Exhibit A, details how the project complies or does not comply with the development standards of the Planned Development Ordinance for the General Development Standards and the Multi-family Development Standards. As seen in Exhibit A, the project does not fully comply with all applicable Planned Development standards and is therefore inconsistent with the Planned Development Ordinance.

E. Conditional Use Permit findings, Carlsbad Municipal Code, Chapter 21.42, Section 21.42.155.

The purpose of a Conditional Use Permit is to allow special consideration for certain uses to be located in zones other than those in which they are allowed as permitted because of their particular characteristics. Such uses may only be suitable in specific locations or designed in a particular manner on the site or subjected to specific conditions to assure compatibility within the zone and its surroundings. Timeshare developments are conditionally allowed uses within the Residential Tourist Zone per Section 21.20.010 of the Carlsbad Municipal Code and timeshare developments are subject to the findings found within Chapter 21.42.030 for Conditional Uses 21.42.140(B)(155) for timeshare projects. Per the Carlsbad Municipal Code, Timeshare projects are reviewed by the Planning Commission with recommendations being made to the City Council who is the final decision making body.

The timeshare project is embedded within an existing single family neighborhood and will be incompatible with the surrounding neighborhood at the scale and intensity of development proposed. The findings for support of the timeshare project cannot be met.

Timeshare projects are subject to the following findings:

1. **That the requested use is necessary or desirable for the development of the community, is essentially in harmony with the various elements and objectives of the General Plan, including, if applicable, the certified Local Coastal Program (LCP), specific or master plan.**

The proposed timeshare use is not a necessary use for the development of the community. The timeshare does not provide any services to other uses within the community. The timeshare is a private development and will not provide vertical public access (street to shore) or public boat launching facilities. Lateral coastal access is required to be provided by projects along the lagoon and is provided by this project. The use could be considered desirable for the development of the community as it would provide tourist serving units and supports the economic viability of the city through some limited Transient Occupancy Tax and visitors patronizing local establishments.

Per the General Plan Land Use Element, projects are to be found to be compatible with adjacent land uses. The scale and intensity of the timeshare project would be incompatible at the scale and intensity proposed. The proposed structure is 40,500 square feet over a 17,000 square foot parking garage. Local residential buildings are from 5,300 square feet to 8,150 square feet. The three story structure over an underground parking garage is very large compared to the adjacent two story structures. The project will generate 208 Average Daily Trips (ADT) which will traverse through residential neighborhoods. The existing site generates 10 ADT as a restaurant (closed) and single family residence and possibly a few more depending on the private boat club member's boat launching activity. Associated with the traffic will be additional noise from vehicles and increased activity associated with the timeshare and boat club facility. The increased traffic and noise would not be compatible with the existing residential neighborhood. The site is not covered by a Specific or Master Plan.

2. **That the requested use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.**

The 26-unit timeshare project has the potential to be detrimental to the existing single-family neighborhood. The transient nature of the timeshare residents and guests will generate additional noise and traffic in the residential neighborhood. The projected ADT for the site is 208 ADT where the existing restaurant and residence and boat club activity is 10 ADT. The increase in vehicular traffic and the transient nature of the timeshare project is incompatible with the surrounding neighborhood as it would increase the intensity of development on a single lot which would not foster the tranquility of a single family environment. The magnitude of the proposed project is not in the same scale and character as the surrounding residential neighborhood. The proposed building is four stories tall where others in the area are two stories. The facility provides minimal parking for boats and trailers as a boat club facility. No adjacent on street parking is available.

3. **That the site for the proposed conditional use is adequate in size and shape to accommodate the yards, setbacks, walls, fences, parking, loading facilities, buffer areas, landscaping, and other development features prescribed in this code and required by the planning director, planning commission or city council, in order to integrate the use with other uses in the neighborhood.**

The site is not adequate in size and shape to accommodate the proposed 26-unit timeshare facility as the project does not meet all required development standards. The project is proposing to develop to the maximum extent allowed by the Planned Development ordinance, as shown on Exhibit "A," and exceeds the 60 percent lot coverage. Inadequate yards, setbacks and loading facilities have been provided. As noted above, the amount of guest/boat and boat trailer spaces are minimal. The required 100 foot wetland buffer from the lagoon is impacted by the existing boat launch ramp, boat clubhouse and recreational area. The primary structure on the site had previously been used as a restaurant which is not in operation and a single family dwelling. Since the restaurant closure, the immediate area has developed with single family residential homes. There no longer exists a buffer of open space from the site of the boat club operation to surrounding single family residential uses.

4. **That the street system serving the proposed use is adequate to properly handle all traffic generated by the proposed use.**

Access to the site is by way of Adams Street. Adams Street is adequate in size to handle the proposed traffic generated by the proposed timeshare use. However, all of the traffic to and from the site will need to traverse through residential single family neighborhoods which will negatively impact the quality of life and tranquility of the existing residential neighborhood.

5. **That the time-share project is located in reasonable proximity to an existing resort or public recreational area and, therefore, can financially and geographically function as a successful time-share project and that the project will not be disruptive to existing or future uses in the surrounding neighborhood.**

The project is located adjacent to the Agua Hedionda Lagoon which provides recreational activities for water sports such as boating, sailing, fishing and kayaking. Water access from the site would allow the aquatic activities. It is unknown if the site can financially and geographically function and succeed as a time-share project. Because of this, timeshare projects have a requirement that they must be designed such that they are able to be converted to a residential use consistent with the Planned Development Ordinance. A conversion plan has not been submitted and the project design proposed does not conform to all the applicable standards of the Planned Development Ordinance, nor does the design lend itself towards future conversion to residential use. Specifically, residential parking standards, community recreational facilities, recreational vehicle parking and private recreational space (balcony/patio) standards could not be met.

The project has submitted the required management and maintenance plan.

F. Local Coastal Program (LCP) Agua Hedionda Segment

The project site is within the Agua Hedionda Segment of the Local Coastal Program (LCP), an area of Deferred Certification, and will require Coastal Development Permit approval from the California Coastal Commission.

The LCP recognizes that there are a wide variety of land uses and that a balance must be maintained which provides for a continuance and expansion of recreational opportunities. Policy 1.1 of the Agua Hedionda LCP Land Use Plan states that "Land uses in the Agua Hedionda Plan area shall be consistent with those indicated on the Land Use Plan." The project site is designated as Recreation Commercial (RC) on the Land Use Plan.

Environment: The project does not propose any improvements near the waters edge. There are existing improvements (reconditioned boathouse and driveways/parking) within the 100 foot wetland buffer.

Recreation and visitor serving facilities: There are a variety of Coastal Act Policies which encourage, where appropriate and feasible, public facilities for recreational use and visitor commercial serving recreational facilities. The plan recognizes Sung Harbor and Whitey's Landing (subject property) as major boating facilities. As such, the plan states that Snug Harbor and Whitey's Landing shall be designated for continued recreational-commercial use and expansion of existing facilities at these locations shall be encouraged. The City does not believe that the timeshare use would provide any significant additional recreational access to the public or visitors as a private facility. In fact it would further limit the ability for public access from Adams Street and be no different than the present day lack of vertical public access to the lagoon.

Shoreline access: The project will provide lateral access across the property. A gated pedestrian walkway would preclude vertical access to the shoreline.

Visual Resources and Historic Preservation: Adams Street is designated as a scenic roadway in the LCP. As such, no structures are to exceed the height of the roadway and shoreline development shall "step down" in height to produce a perceived transition from open space (lagoon) to developed areas. The project has an elevator penthouse and roof deck guard rail that project above the height of Adams Street, and is therefore not in compliance with the building height requirement. (See variance discussion below) The proposed building does step down in height, but not to the degree that would provide a significant visual benefit to the area. The stepping provided just breaks the edge off the overall mass of the building. To comply with the LCP, the structure should be designed with a more pronounced stepping effect which follows the natural slope of the property in order to reduce the visual and physical mass of the building.

No agricultural uses currently exist on the site, nor are there any sensitive resources located on the undeveloped property. The proposed project is not located on an area of known geologic instability or flood hazard. To reduce the potential for soil erodibility and sedimentation, driveway and parking areas shall be limited in size and shall be restricted to an area adjacent to the local street. The project design provides a long driveway which circulates down to the bottom, or garage, level. The driveway has the potential of collecting rainfall and increasing the

runoff potential of the site. The underground parking is covered and helps to prevent contaminants from leaving the site and entering the lagoon.

The subject site is located in the Coastal Resource Protection Overlay Zone, however, due to its location and the absence of slopes steeper than or equal to 25% inclination and/or native vegetation, additional submittals, standards or requirements do not apply. Based on estimated grading quantities, the project will require a grading permit. Construction of the project will adhere to the City's Master Drainage and Storm Water Quality Management Plan and Grading Ordinance to avoid increased runoff and soil erosion.

G. Special Use Permit - Floodplain

The project site is identified as being within Zone A of the Flood Insurance Rate Map 06073C0764 F, dated August 22, 2000. Zone A is a special flood hazard area inundated by the 100 year flood with no base flood elevation determined and requires the processing of a Special Use Permit. The permit is required to review the project for protection of public health, safety and welfare and to minimize public and private losses due to flooding.

At this time there are no threats to public improvements, only private. The existing Boat Club clubhouse facilities are partially located within the floodplain. The proposed surface improvement of two parking spaces, turn-around area and interior improvements to the existing clubhouse do not affect the carrying capacity of Agua Hedionda Lagoon or increase the water surface elevation of the flood height. The existing boathouse, which is proposed to be remodeled, will be required to conform to the Standards of Construction for nonresidential structures located within flood hazard areas per Chapter 21.110.160. The Special Use Permit code recognizes that floodplains are areas of potential open space resources and encourage compatible open space uses wherever possible. The 100 foot wetland buffer and floodplain should remain as open space and not be improved with structures, parking and turnaround facilities.

H. Variance

The project is proposing to exceed the building height limit established by the Local Coastal Program (LCP). Policy 8.3 of the Agua Hedionda LCP states that no portion of a structure shall be permitted to exceed the elevation of the roadway (Adams Street). The elevation of Adams Street is shown to be 53 feet Above Sea Level (ASL). The project has an open guard rail for the roof deck which is at 53.5 feet ASL and an elevator penthouse at 61 feet ASL. Both of these improvements exceed the structure height limit of the LCP. The applicant has submitted for a Variance to deviate from the standard. Below are the required findings that need to be made and the associated discussion on why the findings cannot be made to support the Variance application.

1. There are **not** exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and zone because **all the adjacent properties along the southerly side of Adams Street slope down to the Agua Hedionda Lagoon with similar topography. Although the subject property is General Plan Land Use designated differently from the adjacent properties, the project could be modified and designed to conform to the building height limit of the LCP.**

2. The requested variance is **not** necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question because **other properties in the vicinity have been developed in conformance with the height requirement of the LCP. The project could be designed with a lower building height and conform to the height requirement and still have adequate use of the property. The lower building height would not bias the ability to develop the property. The project is not comparable to other properties as no other properties have the same Residential Tourist (RT) General Plan Land Use designation. Other properties are zoned similarly, but have been developed with single family residences consistent with their RLM General Plan Land Use designation.**
3. The granting of this variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located because **the proposed height increase is located away from the public right of way and would not interfere with public improvements, but will partially impair the public's ability to view the lagoon from Adams Street.**
4. The granting of this variance will adversely affect the comprehensive General Plan because **the project has been determined to be incompatible with the adjacent residential single family neighborhood at the scale and intensity of development proposed and the project does not protect the residential character of the community. The project site has the potential to generate noise (boat launch, boathouse activities and traffic) which could be significant to adjacent single family residences. The project is not physically suitable for the density of development proposed.**

I. Hillside Development Ordinance (Chapter 21.95 of the Zoning Ordinance)

Because the site contains slopes that are over 15% and over 15 feet in height, the project is subject to the Hillside Development Ordinance. Since the site was previously graded, a Hillside Development Permit is not required but the project must follow the Hillside Development and Design Guidelines.

The project site does not have any slopes over 25% or prominent landform features. The proposed grading is within the "acceptable" limits at 6,000 cubic yards per acre. No slopes or contour grading is required or proposed for the project. The development of the site is mostly cutting into the existing site for the development of the underground parking garage and building levels above the garage.

The building is subject to the Hillside Development and Design Guidelines for the development of hillsides. Hillside architecture is encouraged to step away from the dominate slope face and have roof structures oriented in the same direction as the slope. As designed, the building does not provide adequate stepping of the structure to follow the slope of the property. The parapet style roofs do follow the orientation of the slope but are very short and compact and do not significantly soften the building edges. Overall, the project does not comply with both the purpose and intent of the Hillside Development Ordinance or the Hillside Development Guidelines.

J. Growth Management Ordinance Local Facilities Management Plan (LFMP) Zone 1

The project is subject to the provisions of the Growth Management Program, as contained in Chapter 21.90 of the Zoning Ordinance. Table F below details the project's conformance with the requirements of the Growth Management Program.

TABLE F – GROWTH MANAGEMENT COMPLIANCE		
Standard	Impacts/Standards	Compliance
City Administration	n/a	Yes
Library	n/a	Yes
Wastewater Treatment	26 EDU	Yes
Parks	n/a	Yes
Drainage	Provided (NAH Basin)	Yes
Circulation	208 ADT	Yes
Fire	Station #1	Yes
Open Space	OK	Yes
Schools	Carlsbad Unified n/a	Yes
Sewer Collection System	26 EDU (11)	Yes
Water	5,720 gallons per day (GPD) (220 gpd/EDU x 26 EDUs).	Yes

Conclusion:

Because the proposed project is too intense for the site with the number of units proposed, the building mass is too large in relation to other residential single family homes in the vicinity, the project does not meet the development standards and that the proposed use will be disruptive and incompatible with the character of the single family residential neighborhood, staff is recommending denial of the project.

V. ENVIRONMENTAL REVIEW

Per Section 15270 of the CEQA guidelines, CEQA does not apply to projects which a public agency rejects or disapproves. Staff will defer environmental review at this time. If the denial recommendation is not upheld or is upheld without prejudice to allow the reapplication of the project, the project must be referred back to staff to complete environmental review consistent with the Carlsbad Municipal Code and CEQA. The Planning Commission or City Council may give input to help focus the future environmental review of the project.

ATTACHMENTS:

1. Planning Commission Resolution No. 6348 (CT)
2. Planning Commission Resolution No. 6349 (CUP)
3. Planning Commission Resolution No. 6351 (SUP)
4. Planning Commission Resolution No. 6352 (V)
5. Exhibit "A"
6. Location Map
7. Background Data Sheet
8. Local Facilities Impact Assessment Form
9. Disclosure Statement
10. Original Special Use Permit, City Council Ordinance 9043
11. Applicant Variance Justification letter
12. Exhibits "B" – "R" dated October 17, 2007

PLANNING COMMISSION RESOLUTION NO. 6348

1 A RESOLUTION OF THE PLANNING COMMISSION OF THE
2 CITY OF CARLSBAD, CALIFORNIA, DENYING CARLSBAD
3 TRACT CT 06-16 FOR THE DEMOLITION OF A
4 RESTAURANT AND SINGLE FAMILY RESIDENCE AND TO
5 ALLOW THE CONSTRUCTION OF A TWENTY-SIX (26)
6 UNIT TIMESHARE CONDOMINIUM PROJECT ON ONE
7 ACRE OF LAND LOCATED ON THE SOUTH SIDE OF
8 ADAMS STREET, BETWEEN HIGHLAND DRIVE AND PARK
9 DRIVE IN LOCAL FACILITIES MANAGEMENT ZONE ONE.
10 CASE NAME: CARLSBAD BOAT CLUB AND RESORT
11 CASE NO.: CT 06-16

12 WHEREAS, **VIP Partners**, "Developer/Owner," has filed a verified application
13 with the City of Carlsbad regarding property described as

14 **Westerly half of Lot 7, Block D of Bella Vista Tract 2152**

15 ("the Property"); and

16 WHEREAS, said verified application constitutes a request for a Tentative Tract
17 Map as shown on Exhibits "B" – "Q" dated **October 17, 2007**, on file in the Planning
18 Department **CARLSBAD BOAT CLUB AND RESORT – CT 06-16**, as provided by **Chapter**
19 **20.12** of the Carlsbad Municipal Code; and

20 WHEREAS, the Planning Commission did, on the **17th** day of **October, 2007**,
21 hold a duly noticed public hearing as prescribed by law to consider said request; and

22 WHEREAS, at said public hearing, upon hearing and considering all testimony
23 and arguments, if any, of persons desiring to be heard, said Commission considered all factors
24 relating to the Tentative Tract Map.

25 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
26 Commission of the City of Carlsbad as follows:

- 27 A) That the foregoing recitations are true and correct.
- 28 B) That based on the evidence presented at the public hearing, the Commission
DENIES CARLSBAD BOAT CLUB AND RESORT – CT 06-16, based on the
following findings:

1 **Findings:**

- 2
- 3 1. That the proposed map and the proposed design and improvement of the subdivision as
- 4 conditioned, is **not** consistent with and **does not** satisfy all requirements of the General
- 5 Plan in that **the project has been determined to be incompatible with the adjacent**
- 6 **single family residential neighborhood at the scale and intensity of development**
- 7 **proposed and the project has the potential to generate noise (boat launch, boathouse**
- 8 **and traffic) which would significantly impact adjacent and surrounding single**
- 9 **family residences.**
- 10
- 11 2. That the proposed project is **not** compatible with the surrounding future land uses since
- 12 surrounding properties are designated for **Residential Low Medium Density**
- 13 **development on the General Plan, in that the timeshare use will be disruptive to the**
- 14 **surrounding residential community by generating increased noise and traffic above**
- 15 **and beyond what is typical for a single family residential neighborhood.**
- 16
- 17 3. That the site is **not** physically suitable, for the type and density of the development since
- 18 the site is **not** adequate in size and shape to accommodate residential development at the
- 19 density proposed, in that **the project exceeds the allowed lot coverage and**
- 20 **developmental standards of the Planned Development Ordinance for building**
- 21 **setbacks and the Local Coastal Program for building height as shown on Exhibit**
- 22 **“A” attached to the staff report.**
- 23
- 24 4. That the design of the subdivision or the type of improvements will not conflict with
- 25 easements of record or easements established by court judgment, or acquired by the
- 26 public at large, for access through or use of property within the proposed subdivision.
- 27
- 28 5. That the property is not subject to a contract entered into pursuant to the Land
- Conservation Act of 1965 (Williamson Act).
6. That the project is statutorily exempt from environmental review pursuant to 15270 of the
- California Environmental Quality Act (CEQA) which states that CEQA does not apply to
- projects which a public agency rejects or disapproves.
7. The project is consistent with the Citywide Facilities and Improvements Plan, the Local
- Facilities Management Plan for Zone 1 and all City public facility policies and
- ordinances.

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NOTICE

Please take NOTICE that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a), and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning, zoning, grading, or other similar application processing or service fees in connection with this project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a NOTICE similar to this, or as to which the statute of limitations has previously otherwise expired.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on the 17th day of October, 2007, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

JULIE BAKER, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:

DON NEU
Planning Director

1 PLANNING COMMISSION RESOLUTION NO. 6349

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING
4 DENIAL OF A CONDITIONAL USE PERMIT FOR THE
5 DEMOLITION OF A RESTAURANT AND SINGLE FAMILY
6 RESIDENCE AND TO ALLOW THE CONSTRUCTION OF A
7 TWENTY-SIX (26) UNIT TIMESHARE CONDOMINIUM
8 PROJECT ON ONE ACRE OF LAND LOCATED ON THE
9 SOUTH SIDE OF ADAMS STREET, BETWEEN HIGHLAND
10 DRIVE AND PARK DRIVE IN LOCAL FACILITIES
11 MANAGEMENT ZONE ONE.

12 CASE NAME: CARLSBAD BOAT CLUB AND RESORT
13 CASE NO.: CUP 06-16

14 WHEREAS, **VIP Partners**, "Developer/Owner," has filed a verified application
15 with the City of Carlsbad regarding property described as

16 **Westerly half of Lot 7, Block D of Bella Vista Tract 2152**

17 ("the Property"); and

18 WHEREAS, said verified application constitutes a request for a Conditional Use
19 Permit as shown on Exhibits "B" - "Q" dated **October 17, 2007**, on file in the Planning
20 Department, **CARLSBAD BOAT CLUB AND RESORT - CUP 06-16**, as provided by Chapter
21 21.42 and/or 21.50 of the Carlsbad Municipal Code; and

22 WHEREAS, the Planning Commission did, on the **17th day of October, 2007**,
23 hold a duly noticed public hearing as prescribed by law to consider said request; and

24 WHEREAS, at said public hearing, upon hearing and considering all testimony
25 and arguments, if any, of all persons desiring to be heard, said Commission considered all factors
26 relating to the CUP.

27 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
28 Commission of the City of Carlsbad as follows:

- A) That the foregoing recitations are true and correct.

1 B) That based on the evidence presented at the public hearing, the Commission
2 **RECOMMENDS DENIAL** of CARLSBAD BOAT CLUB AND RESORT –
3 CUP 06-16, based on the following findings:

4 **Findings:**

- 5 1. That the requested use is **not** necessary or desirable for the development of the
6 community **in that the timeshare use does not provide any services to other uses**
7 **within the community**, is **not** in harmony with the various elements and objectives of
8 the General Plan in that the use would be detrimental to the existing residential uses
9 specifically permitted in the zone in which the proposed use is located, in that the
10 **proposed timeshare project at the scale and intensity of development proposed is not**
11 **compatible with the existing surrounding single family residential uses because of**
12 **increased traffic on residential streets and noise associated with the timeshare**
13 **operation. The project will generate 208 Average Daily Trips (ADT) which will**
14 **traverse through existing residential neighborhoods. The existing site generates 10**
15 **ADT as a restaurant (which is closed) and a single family residence and possibly a**
16 **few more depending on the private boat club member's boat launching activity.**
- 17 2. That the site for the intended use is **not** adequate in size and shape to accommodate the
18 use, in that the **proposed timeshare does not meet the development standards. The**
19 **project exceeds the standards of the Planned Development Ordinance and exceeds**
20 **the 60 percent lot coverage. Inadequate yards, setbacks, parking and loading**
21 **facilities have been provided. The amount of parking and guest/boat and boat**
22 **trailer spaces are minimal. The required 100 foot wetland buffer from the lagoon is**
23 **impacted by the existing boat launch ramp, boat clubhouse and recreational area.**
24 **The site was previously used as a restaurant, but has since closed and a single family**
25 **dwelling. Since the restaurant closure, the immediate area has developed with**
26 **single family residential homes which have filled in around the site. There no longer**
27 **exists a buffer of open space from the boat club/restaurant operation. The present**
28 **use of the site is a single family residence and boat club.**
3. That all the yards, setbacks, walls, fences, landscaping, and other features necessary to
adjust the requested use to existing or permitted future uses in the neighborhood **have not**
been provided and maintained, in that the site is not adequate in size and shape to
accommodate the proposed timeshare facility. The project does not provide
adequate private recreational space, building setbacks, the project exceeds the
maximum allowable lot coverage and minimal parking facilities are provided.
4. That the street system serving the proposed use is adequate to properly handle all traffic
generated by the proposed use, in that **access to the site is by way of Adams Street.**
Adams Street is adequate in size to handle the proposed traffic generated by the
proposed timeshare use. However, all of the traffic to and from the site will need to
traverse through residential single family neighborhoods which will negatively
impact the neighborhood with increased noise and traffic.
5. That the time-share project is located in reasonable proximity to an existing resort or
public recreational area and, therefore, can financially and geographically function as a
successful time-share project and that the project will not be disruptive to existing or

1 future uses in the surrounding neighborhood in that the project is located adjacent to
2 the Agua Hedionda Lagoon which provides recreational activities for water sports
3 such as boating, sailing, fishing and kayaking. Water access from the site would
4 allow the aquatic activities. It is unknown if the site can financially and
5 geographically function and succeed as a time-share project. Because of this,
6 timeshare projects have a requirement that they must be designed such that they are
7 able to be converted to a residential use consistent with the Planned Development
8 Ordinance. A conversion plan has not been submitted and the project design
9 proposed does not conform to all the applicable standards of the Planned
10 Development Ordinance, nor does the design lend itself towards future conversion
11 to residential use. Specifically, residential parking standards, community
12 recreational facilities, recreational vehicle parking and private recreational space
13 (balcony/patio) standards could not be met.

14 NOTICE

15 Please take **NOTICE** that approval of your project includes the "imposition" of fees, dedications,
16 reservations, or other exactions hereafter collectively referred to for convenience as
17 "fees/exactions."

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19 you protest them, you must follow the protest procedure set forth in Government Code Section
20 66020(a), and file the protest and any other required information with the City Manager for
21 processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely
22 follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or
23 annul their imposition.

24 You are hereby **FURTHER NOTIFIED** that your right to protest the specified fees/exactions
25 **DOES NOT APPLY** to water and sewer connection fees and capacity charges, nor planning,
26 zoning, grading, or other similar application processing or service fees in connection with this
27 project; **NOR DOES IT APPLY** to any fees/exactions of which you have previously been given a
28 **NOTICE** similar to this, or as to which the statute of limitations has previously otherwise
expired.

1 PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning
2 Commission of the City of Carlsbad, California, held on the 17th day of October 2007 by the
3 following vote, to wit:
4

5 AYES:

6 NOES:

7 ABSENT:

8 ABSTAIN:
9

10
11 _____
12 JULIE BAKER, Chairperson
13 CARLSBAD PLANNING COMMISSION

14 ATTEST:

15 _____
16 DON NEU
17 Planning Director
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1 B) That based on the evidence presented at the public hearing, the Commission
2 **DENIES CARLSBAD BOAT CLUB AND RESORT – SUP 07-05**, based on
3 the following findings:

4 **Findings:**

- 5 1. The site is reasonably safe from flooding in that **the floodplain is at the eight foot level**
6 **and has minimal impact on the property.**
- 7 2. The project as proposed has been designed to minimize the flood hazard to the habitable
8 portions of the structure in that **the project has been conditioned to have the non-**
9 **residential structures comply with Section 21.110.160, standards of construction.**
- 10 3. The proposed project does not create a hazard for adjacent or upstream properties or
11 structures in that **the proposed surface improvement of two parking spaces, turn-**
12 **around area and interior improvements to the existing clubhouse do not affect the**
13 **carrying capacity of Agua Hedionda Lagoon or increase the water surface elevation**
14 **of the flood height.**
- 15 4. The proposed project does not create any additional hazard or cause adverse impacts to
16 downstream properties or structures in that **there are no properties downstream within**
17 **the Agua Hedionda Lagoon.**
- 18 5. The proposed project does not reduce the ability of the site to pass or handle a base flood
19 of 100-year frequency in that **the proposed surface improvement of two parking**
20 **spaces, turn-around area and interior improvements to the existing clubhouse do not affect the**
21 **carrying capacity of Agua Hedionda Lagoon or increase the water surface elevation**
22 **of the flood height.**
- 23 6. The proposed project taken together with all the other known, proposed, and anticipated
24 projects will not increase the water surface elevation of the base flood more than one foot
25 at any point in that **the proposed surface improvement of two parking spaces, turn-**
26 **around area and interior improvements to the existing clubhouse do not affect the**
27 **carrying capacity of Agua Hedionda Lagoon or increase the water surface elevation**
28 **of the flood height.**
7. **That the floodplain area is a potential open space resource as a buffer to the Agua**
Hedionda Lagoon and that the Floodplain Ordinance encourages open space
resources and that the use of the open space area as a Recreational Center building,
trash enclosures, parking area and vehicle turnaround area is not appropriate in the
open space buffer.

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10 project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a
11 NOTICE similar to this, or as to which the statute of limitations has previously otherwise
12 expired.

13 PASSED, APPROVED, AND ADOPTED at a regular meeting of the planning
14 Commission of the City of Carlsbad, California, held on the 17th day of October, 2007 by the
15 following vote, to wit:

16 AYES:

17 NOES:

18 ABSENT:

19 ABSTAIN:

20 _____
21 JULIE BAKER, Chairperson
22 CARLSBAD PLANNING COMMISSION

23 ATTEST:

24 _____
25 DON NEU
26 Planning Director

1 B) That based on the evidence presented at the public hearing, the Planning
2 Commission **DENIES CARLSBAD BOAT CLUB AND RESORT – V 07-04**
3 based on the following findings:

4 **Findings:**

- 5 1. That special circumstances **do not** apply to the subject property in that **all the adjacent**
6 **properties along the southerly side of Adams Street slope down to the Agua**
7 **Hedionda Lagoon with similar topography and are restricted equally**, such that the
8 strict application of the zoning ordinance and **Local Coastal Program (LCP) do not**
9 deprive said property of privileges enjoyed by other property in the vicinity and under the
10 identical zoning classification. **No other properties with the same zoning**
11 **classification exist on the southerly side of Adams Street. Although the subject**
12 **property is General Plan Land Use designated differently from the adjacent**
13 **properties, the project could be modified and designed to conform to the building**
14 **height limit of the LCP.**
- 15 2. That the variance is **not** subject to conditions which will ensure that the adjustment(s)
16 thereby authorized will constitute a grant of special privileges inconsistent with the
17 limitations upon other properties in the vicinity and zone in which the subject property is
18 situated in that **other properties in the vicinity have been developed in conformance**
19 **with the height requirement of the LCP. The project could be designed with a lower**
20 **building height and conform to the height requirement and still have adequate use**
21 **of the property. The lower building height would not bias the ability to develop the**
22 **property. The project is not comparable to other properties as no other properties**
23 **have the same Residential Tourist (RT) General Plan Land Use designation. Other**
24 **properties are similarly zoned as Residential Tourist (RT), but have been developed**
25 **with single family residences consistent with their RLM General Plan Land Use**
26 **designation.**
- 27 3. That the variance does not authorize a use or activity which is not otherwise expressly
28 authorized by the zone regulation governing the subject property in that **the proposed 26**
unit timeshare is a conditionally permitted use.
1. That the variance is **not** consistent with the general purpose and intent of the general plan
and any applicable specific or master plans in that **the project has been determined to**
be incompatible with the adjacent residential single family neighborhood at the
scale and intensity of development proposed and the project does not protect the
residential character of the community. The project site has the potential to
generate noise (boat launch, boathouse activities and traffic) which could be
significant to adjacent single family residences. The project is not physically
suitable for the density of development proposed.
1. That the variance is **not** consistent with and **does not** implement the requirements of the
certified local coastal program (LCP) and that the variance does not reduce or in any
manner adversely affect the protection of coastal resources as specified in the zones
included in Title 21 of the Carlsbad Municipal Code, and that the variance implements
the purposes of the zones adopted to implement the local coastal program land use plan.
The timeshare project does not implement the requirements of the Local Coastal
Program in that the project exceeds the height limits established within the LCP.

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The City does not believe that the timeshare use would provide any significant additional recreational access to the public or visitors as a private facility. In fact it would further limit the ability for public access from Adams Street and be no different than the present day lack of public access. The variance for building height is not required to implement the purpose of the LCP as there is the ability to develop the property in conformance with the LCP which would not bias the ability to develop the site in compliance with the LCP.

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1 PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning
2 Commission of the City of Carlsbad, California, held on the 17th day of October, 2007, by the
3 following vote, to wit:

4 AYES:

5 NOES:

6 ABSENT:

7 ABSTAIN:

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10 _____
11 JULIE BAKER, Chairperson
12 CARLSBAD PLANNING COMMISSION

13 ATTEST:

14 _____
15 DON NEU
16 Planning Director
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**Carlsbad Boat Club and Resort
Exhibit A**

PLANNED DEVELOPMENTS (CMC SECTION 21.45.060) TABLE C: GENERAL DEVELOPMENT STANDARDS APPLICABLE TO ALL PLANNED DEVELOPMENTS										
Standard	Requirement	Compliance Comment								
Density	Per the underlying General Plan designation. When two or more general plan land use designations exist within a planned development, the density may not be transferred from one general plan designation to another without a general plan amendment.	N/A								
Arterial Setbacks	<p>All dwelling units and accessory structures adjacent to any arterial road shown on the Circulation Element of the General Plan shall maintain the following minimum setbacks from the right-of-way:</p> <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">Prime Arterial</td> <td>50 Feet</td> </tr> <tr> <td>Major Arterial</td> <td>40 Feet</td> </tr> <tr> <td>Secondary Arterial</td> <td>30 Feet</td> </tr> <tr> <td>Carlsbad Boulevard</td> <td>20 Feet</td> </tr> </table> <p>An average of 50% of the required setback area that is located closest to the arterial shall be landscaped to enhance the streetscene and buffer homes from traffic on adjacent arterials. Project perimeter walls shall not be located in the landscaped buffer. The landscaped buffer shall contain a minimum of one 24" box tree for every 30 lineal feet of street frontage. This arterial landscape setback shall be commonly owned and maintained by the homeowners' association.</p>	Prime Arterial	50 Feet	Major Arterial	40 Feet	Secondary Arterial	30 Feet	Carlsbad Boulevard	20 Feet	N/A
Prime Arterial	50 Feet									
Major Arterial	40 Feet									
Secondary Arterial	30 Feet									
Carlsbad Boulevard	20 Feet									
Building Setbacks	All setbacks shall be measured from the property line, from the back of sidewalk or from the edge of the project driveway, whichever is closest to the structure.	Setbacks measured from property line.								
Permitted Intrusions into Setbacks	Projecting architectural features, which do not increase the useable living area of a dwelling unit, (including, but not limited to, cornices, eaves, belt courses, sills, buttresses and fireplaces) may intrude up to 2 feet into required building setbacks.	OK. Covered balcony eave projects one foot into required five foot setback.								
Visitor Parking On Private/Public Streets	<ol style="list-style-type: none"> 1. 10 units or less: 1 space for each 2 units or fraction thereof. 2. 11 units or more: 5 spaces for the first 10 units, plus 1 space for each 4 units above 10. 3. Housing for senior citizens: 1 space for each 5 units. 4. In cases where a fractional parking space is required, the required number of spaces shall be rounded to the nearest highest whole number. <p>Visitor parking may be provided: (1) along both sides of a minimum 34-foot wide private/public street; or (2) in perpendicular bays.</p> <p>When visitor parking is provided on-street, not less than 24 lineal feet per space, exclusive of driveway entrances and aprons, shall be provided for each parking space, except where parallel parking spaces are located immediately adjacent to driveway aprons, then 20 lineal feet may be provided.</p> <p>Visitor parking must be provided in parking bays</p>	<p>Timeshare projects require 1.2 parking spaces per unit (26) = 32 parking spaces required. Thirty-two (32) parking spaces are provided:</p> <p>(To consider conversion to residential, per the Planned Development Ordinance, 47 resident parking spaces and 9 guest parking spaces for a total of 56 parking spaces would be required based on 26 units. Applicant states 12 units would be feasible for conversion (note 3))</p> <p>Guest spaces are provided in bays.</p>								

**PLANNED DEVELOPMENTS (CMC SECTION 21.45.060)
TABLE C: GENERAL DEVELOPMENT STANDARDS
APPLICABLE TO ALL PLANNED DEVELOPMENTS CONTINUED**

Standard	Requirement	Compliance Comment
Private Streets	Minimum 34 feet wide (curb-to-curb) with parkways (minimum 5.5' wide) and sidewalks (minimum 5' wide) on both sides of the street.	N/A
Public Streets	Minimum 34 feet wide (curb-to-curb) with parkways (minimum 7' wide) and sidewalks (minimum 5' wide) on both sides of the street.	N/A
Parkways with Street Trees	Minimum 5.5 feet wide parkways are required along both sides of private streets. For small-lot, single-family and two-family projects, a minimum of one street tree (24-inch box) per lot is required to be planted in the parkway along all streets. For multi-family projects, street trees shall be spaced no further apart than 30 feet on center within the parkway. Tree species should be selected to create a unified image for the street, provide an effective canopy, avoid sidewalk damage and minimize water consumption.	N/A
Driveway (Project)	<ol style="list-style-type: none"> 1. Minimum 24 feet wide with no parking permitted in travel way. 2. Additional width may be required for maneuvering area in front of garages, carports or uncovered parking spaces or to provide transition to a driveway approach. 3. No more than 20 single-family/two-family dwelling units shall be located along a single-entry driveway. 4. Parkways/sidewalks may be required. 5. Driveways in motor courts shall be constructed of concrete. 6. All driveways/motor courts shall be accented with enhanced pavement treatment. 	<p>24 feet wide, no parking.</p> <p>Not required/not provided Constructed of concrete</p> <p>Not accented with enhanced pavement treatment.</p>
Dwelling Unit Setback from Open Parking	All dwelling units shall be set back a minimum of 5 feet from open parking areas.	42 foot separation provided.
Screening of Parking Areas	All open parking areas shall be screened from adjacent residences and public rights-of-way by either a view-obscuring wall or landscaping.	No screening from adjacent residence to east.

**PLANNED DEVELOPMENTS (CMC SECTION 21.45.060)
TABLE C: GENERAL DEVELOPMENT STANDARDS
APPLICABLE TO ALL PLANNED DEVELOPMENTS CONTINUED**

Standard	Requirement	Compliance Comment
Community Recreational Space	<p>All projects of more than 10 dwelling units shall provide 200 square feet of centralized, community recreational space per unit. Projects with 25 or fewer units shall provide passive or active recreation facilities. Projects with more than 25 units shall provide both passive and active recreational facilities with a minimum of 75 percent of the area allocated for active facilities. Projects of more than 50 units shall provide recreation facilities for a variety of age groups. Examples of recreation facilities include, but are not limited to, the following:</p> <p>Active: Swimming pool with cabana, children's playground equipment, spa, tennis court, racquetball court, volleyball court, basketball court, recreation rooms or buildings, horseshoe pits, pitch and putt, grassy play areas a minimum of 100 feet by 100 feet and any other facility deemed by the planning director to satisfy the intent of providing active recreational facilities.</p> <p>Passive: Benches, barbecues, community gardens or grassy play areas with a slope of less than 5%.</p> <ol style="list-style-type: none"> 1. Credit for indoor recreation facilities shall not exceed 25% of the required centralized community recreation area. 2. Required recreation areas shall not be located in any required front yard and may not include any driveways, parking areas, walkways, storage areas, or any slopes of 5% or greater. 3. For single-family or two-family projects of 50 units or more, at least 25 percent of the common recreation space must be provided as pocket parks. Pocket park lots must have a minimum width of 50 feet and be located at strategic locations such as street intersections (especially "T-intersections") and where open space vistas may be achieved. <p>Note: These community recreational space requirements shall not apply to housing for senior citizens (refer to Chapter 21.84 of this code for common area requirements for housing for senior citizens).</p>	<p>3,900 square feet of centralized community recreation space is required (75%). Project provides 576 square foot recreation building and beach front recreational area.</p> <p>Recreation room provided.</p> <p>Central courtyard and shorefront area.</p>
Recreation Area Parking	<p>1 space for each 15 residential lots or fraction thereof for lots located more than 1,000 feet from a centralized community recreation center lot.</p> <p>Note: Housing for senior citizens is not required to be provided with recreation area parking.</p>	N/A
Lighting	Lighting adequate for pedestrian and vehicular safety shall be provided.	Lighting provided per UBC.
Utilities	Separate utility systems shall be provided for each unit.	N/A for timeshare

**PLANNED DEVELOPMENTS (CMC SECTION 21.45.060)
TABLE C: GENERAL DEVELOPMENT STANDARDS
APPLICABLE TO ALL PLANNED DEVELOPMENTS CONTINUED**

Standard	Requirement	Compliance Comment
Recreational Vehicle Storage	<ol style="list-style-type: none"> 1. Required for projects with 25 or more units. 2. 20 square feet per unit exclusive of area required for driveways and approaches. 3. Developments located within master plans or residential specific plans may have this requirement met by the common RV storage area provided by the master plan or residential specific plan. 4. The storage of recreational vehicles shall be prohibited in the front yard setback and on any public or private streets or any other area visible to the public. A provision containing this restriction shall be included in the covenants, conditions and restrictions for the project. All RV storage areas shall be landscaped to screen vehicles to the maximum extent feasible. <p>Note: Housing for senior citizens is not required to be provided with recreational vehicle storage. If no RV storage is provided for housing for senior citizens, the CC&Rs for the project shall clearly specify that RV storage is not available.</p>	<p>520 Square Feet required. Two boat storage parking stalls, or 486 square feet, are provided. (non-compliance)</p> <p>Storage provided inside parking garage.</p>
Storage Space	<p>480 cubic feet of separate storage space per unit. If all storage for each unit is located in one area, the space may be reduced to 392 cubic feet. This space shall be separately enclosed for each unit and be conveniently accessible to the outdoors. The space may be designed as an enlargement of the required covered parking structure provided it does not extend into the area of the required parking stall. This requirement is in addition to closets and other indoor storage areas.</p>	<p>Each unit is provided 672 cubic feet of storage area, separately enclosed interior space.</p>
Antennas	<p>Each project shall have a master antenna and/or a cable television hookup. Antennas are permitted subject to the provisions of Chapter 21.53 of this code and any applicable federal regulations.</p>	<p>Cable service provided.</p>

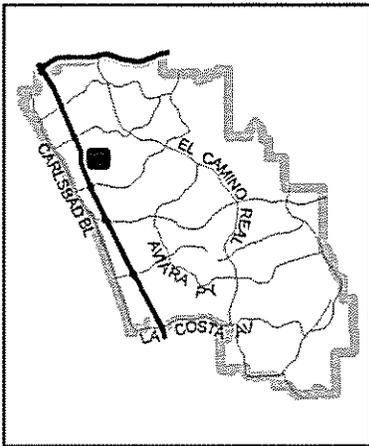
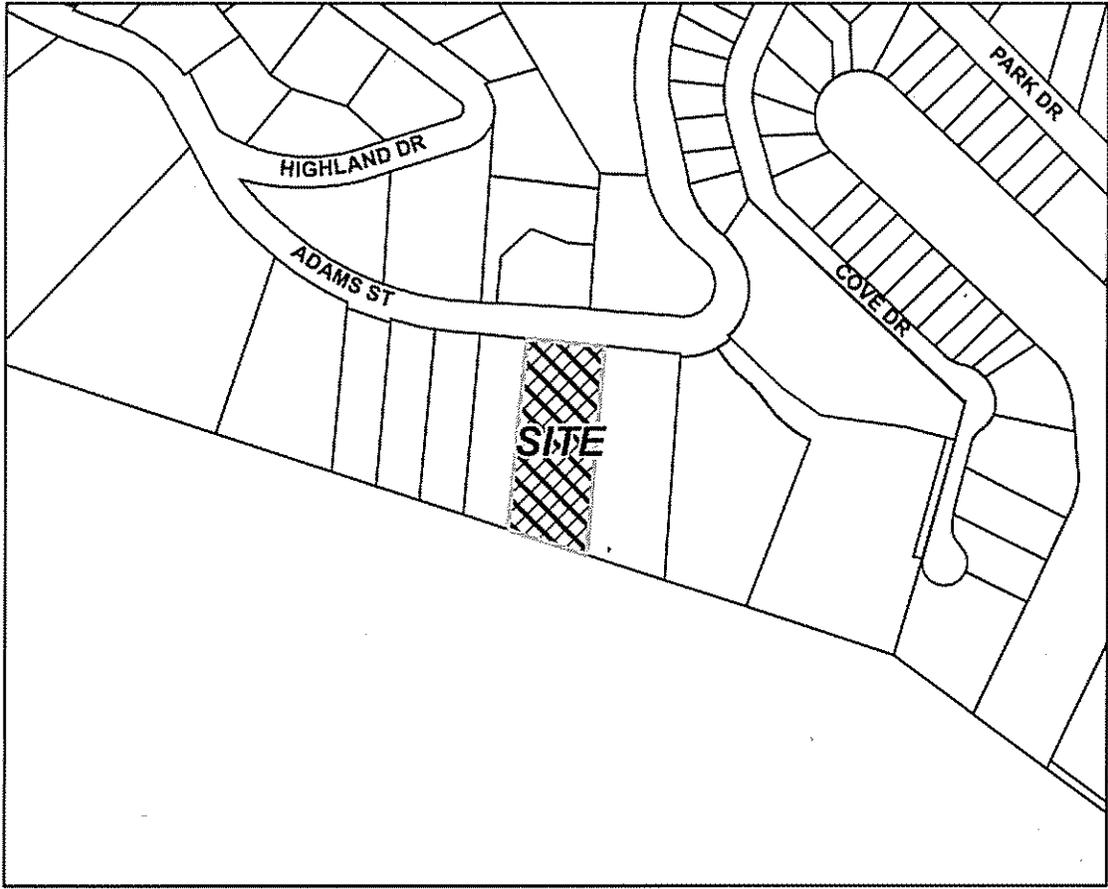
PLANNED DEVELOPMENTS (CMC SECTION 21.45.080)
TABLE E: MULTIPLE-DWELLING DEVELOPMENT STANDARDS

Standard	Requirement	Compliance Comment
Livable Neighborhood Policy	Must comply with city council Policy 66, Principles for the Development of Livable Neighborhoods.	Because the project is developed below the elevation of Adams Street, many of the criteria do not apply. Pedestrian walks will be visible and street design and landscaping will depend on FIA.
Maximum Lot Coverage	60% on a project basis.	69.4% - Non-compliance
Maximum Building Height	35 feet.	35 feet
Minimum Building Setbacks Private or public street ⁽¹⁾ Driveway (Project)	<ol style="list-style-type: none"> 1. To front porch: 11 feet. 2. To residential structure: 15 foot average.(2) 3. To street side yard: 10 feet. 4. To side entry garage: 10 feet. 5. To direct entry garage: 20 feet. <ol style="list-style-type: none"> 1. Residence: 8 feet, fully landscaped. 2. Garage: 5 feet. 3. Garages facing directly onto a driveway shall be equipped with an automatic garage door opener. 	<p>Front: 26 feet</p> <p>1 to 3 feet provided. – Non-compliance</p>
Architectural Design Elements	<ol style="list-style-type: none"> 1. There shall be at least 3 separate building planes on all building elevations. The minimum offset in planes shall be 18 inches and shall include but not be limited to building walls, windows and roofs. 2. Building facades shall incorporate a minimum of four of the following types of design elements: <ol style="list-style-type: none"> a. Covered front porches (may count toward meeting recreation space requirements); b. A variety of roof planes; c. Windows and doors recessed a minimum of 2 inches; d. Paned windows and doors; e. Exposed roof rafter tails; f. Window and door lintels; g. Dormers; h. Accent and varied shape windows; i. Exterior wood elements; j. Raised stucco trim around windows and doors; k. Accent materials such as brick, stone, shingles, wood or siding; and l. Knee braces. 	<p>At least three building planes provided.</p> <p>A, C, E, J and K.</p>
Minimum Building Separation	20 feet average with a minimum of 10 feet between structures. No structures (i.e., stairs, stairwells, balconies, etc.) are permitted to encroach into this setback.	32 feet between main and Accessory building
Resident Parking	<ol style="list-style-type: none"> 1. One 12 feet x 20 feet car garage and 1 covered or uncovered space per unit. 2. Studio units - 1.5 spaces; 1 covered per unit. 3. Housing for senior citizens: 1.5 covered spaces per unit, plus 1 covered space for an onsite manager's unit (when provided). 	32 total parking spaces provided per timeshare parking requirement. (47 resident spaces required if PD standards applied) – Non-compliance for conversion purposes. (3)

PLANNED DEVELOPMENTS (CMC SECTION 21.45.080)
TABLE E: MULTIPLE-DWELLING DEVELOPMENT STANDARDS CONTINUED

Standard	Requirement	Compliance Comment
Visitor Parking	<ol style="list-style-type: none"> 1. 10 units or less: 1 space for each 2 dwelling units or fraction thereof. 2. 11 units or more: 5 spaces for the first 10 units, plus 1 space for each 4 dwelling units above 10. 3. Housing for senior citizens: 1 space for each 5 dwelling units. 4. Visitor parking spaces must be located no more than 150 ft. as measured in a logical walking path from the entrance of the unit it could be considered to serve. 5. Visitor parking must be provided in parking bays. 	<p>32 total parking spaces provided per timeshare parking requirement. (9 visitor spaces required if PD standards applied with 26 units. Applicant states 12 units would be feasible and parking would be sufficient (Note 3))</p>
Compact Parking	<p>For projects of more than 25 units, up to 25 percent of visitor parking may be provided as compact spaces (8 feet by 15 feet). No overhang is permitted into any required setback area or over sidewalks less than 6 feet wide.</p>	<p>None.</p>
Recreational Space	<ol style="list-style-type: none"> 1. Projects of 1-10 dwelling units: 15 ft. x 15 ft. patio or 120 square feet of balcony area. 2. Projects of more than 10 dwelling units: 10 ft. x 10 ft. patio or 6 ft. x 10 ft. balcony. <p>Common</p> <ol style="list-style-type: none"> 1. Projects of more than 10 dwelling units: See General Standards, Table C. 	<p>Project does not comply with private recreational requirement.</p>

- (1) Setbacks are applicable to streets that include parkways and sidewalks along both sides. For existing streets without parkways, the front setback shall be as follows: Front porch - 16 feet, residence - 20 foot minimum, side-entry garage - 10 feet, direct entry garage - 20 feet.
- (2) The average front yard setback is determined by adding together all of the unit front yard setbacks (the setback for each unit should be measured from that element of each building, excluding projections, that is located closest to the front property line) and dividing that total by the total number of project units.
- (3) A conversion plan has not been submitted. Applicant states it is premature at this time. Applicant states 12 units would be feasible for conversion to meet standards. No proposal or review has been completed.



SITE MAP



NOT TO SCALE

Carlsbad Boat Club and Resort

CT 06-16/CUP 06-16

BACKGROUND DATA SHEET

CASE NO: CT 06-16/CUP 06-16

CASE NAME: CARLSBAD BOAT CLUB AND RESORT

APPLICANT: JAMES COURTNEY

REQUEST AND LOCATION: Request for a Tentative Tract Map, Conditional Use Permit, Special Use Permit and Variance, for the demolition of a single family residence and to allow the construction of a twenty-six (26) unit timeshare condominium project on one acre of land located on the south side of Adams Street, between Highland Drive and Park Drive in Local Facilities Management Zone 1.

LEGAL DESCRIPTION: Westerly half of Lot 7, Block D of Bella Vista Tract 2152

APN: 206-200-06-00 Acres: 1.02 Proposed No. of Lots/Units: 26 timeshare units

GENERAL PLAN AND ZONING

Existing Land Use Designation: Tourist/Recreation Commercial (TR)

Proposed Land Use Designation: n/a

Density Allowed: n/a Density Proposed: n/a

Existing Zone: Residential Tourist (RT) Proposed Zone: n/a

Surrounding Zoning, General Plan and Land Use:

	<u>Zoning</u>	<u>General Plan</u>	<u>Current Land Use</u>
Site	<u>R-T</u>	<u>TR</u>	<u>Residential (SFD)</u>
North	<u>R-T</u>	<u>RLM</u>	<u>Residential (SFD)</u>
South	<u>O-S</u>	<u>OS</u>	<u>Lagoon</u>
East	<u>R-1-15,000</u>	<u>RLM</u>	<u>Residential (SFD)</u>
West	<u>R-1-15,000</u>	<u>RLM</u>	<u>Residential (SFD)</u>

LOCAL COASTAL PROGRAM

Coastal Zone: Yes No Local Coastal Program Segment: Agua Hedionda

Within Appeal Jurisdiction: Yes No* Coastal Development Permit: Yes No*

* Area of Deferred Certification. CDP issued by California Coastal Commission.

Local Coastal Program Amendment: Yes No

Existing LCP Land Use Designation: RC Proposed LCP Land Use Designation: RC

Existing LCP Zone: Recreation Commercial (RC) Proposed LCP Zone: RC

PUBLIC FACILITIES

School District: Carlsbad Water District: Carlsbad Sewer District: Carlsbad

Equivalent Dwelling Units (Sewer Capacity): 26

ENVIRONMENTAL IMPACT ASSESSMENT

- Statutory Exemption, 15270 – projects which are disapproved
- Negative Declaration, issued _____
- Certified Environmental Impact Report, dated _____
- Other, _____

CITY OF CARLSBAD

GROWTH MANAGEMENT PROGRAM

LOCAL FACILITIES IMPACTS ASSESSMENT FORM

PROJECT IDENTITY AND IMPACT ASSESSMENT:		
FILE NAME AND NO: <u>CARLSBAD BOAT CLUB AND RESORT</u>		
LOCAL FACILITY MANAGEMENT ZONE: <u>1</u> GENERAL PLAN: <u>Tourist/Recreation Commercial (TR)</u>		
ZONING: <u>Residential Tourist (RT)</u>		
DEVELOPER'S NAME: <u>Jim Courtney</u>		
ADDRESS: <u>4509 Adams Street, Carlsbad CA 92008</u>		
PHONE NO.: <u>(760) 809-7710</u> ASSESSOR'S PARCEL NO.: <u>206-200-06-00</u>		
QUANTITY OF LAND USE/DEVELOPMENT (AC., SQ. FT., DU): <u>26 Timeshare units</u>		
ESTIMATED COMPLETION DATE: <u>unknown</u>		

A.	City Administrative Facilities:	Demand in Square Footage =	<u>n/a</u>
B.	Library:	Demand in Square Footage =	<u>n/a</u>
C.	Wastewater Treatment Capacity (Calculate with J. Sewer)		<u>26 EDU</u>
D.	Park:	Demand in Acreage =	<u>n/a</u>
E.	Drainage:	Demand in CFS =	<u>4.25</u>
		Identify Drainage Basin =	<u>1I</u>
F.	Circulation:	Demand in ADT =	<u>208</u>
G.	Fire:	Served by Fire Station No. =	<u>1</u>
H.	Open Space:	Acreage Provided =	<u>0</u>
I.	Schools:		<u>Carlsbad</u>
J.	Sewer:	Demands in EDU	<u>26</u>
		Identify Sub Basin =	<u>1I</u>
K.	Water:	Demand in GPD =	<u>5,720</u>



City of Carlsbad

Planning Department

DISCLOSURE STATEMENT

Applicant's statement or disclosure of certain ownership interests on all applications which will require discretionary action on the part of the City Council or any appointed Board, Commission or Committee.

The following information **MUST** be disclosed at the time of application submittal. Your project cannot be reviewed until this information is completed. Please print.

Note:

Person is defined as "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, in this and any other county, city and county, city municipality, district or other political subdivision or any other group or combination acting as a unit."

Agents may sign this document; however, the legal name and entity of the applicant and property owner must be provided below.

1. **APPLICANT** (Not the applicant's agent)

Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having a financial interest in the application. If the applicant includes a corporation or partnership, include the names, title, addresses of all individuals owning more than 10% of the shares. IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person JAMES A. COURTNEY
Title CO-OWNER
Address 1861 S. VIEW DR.
CARLSBAD, 92008

~~Corp/Part~~ MICHAEL PFANKUCH
Title CO-OWNER
Address 3532 DONNA DR.
CARLSBAD, 92008

2. **OWNER** (Not the owner's agent)

Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having any ownership interest in the property involved. Also, provide the nature of the legal ownership (i.e., partnership, tenants in common, non-profit, corporation, etc.). If the ownership includes a corporation or partnership, include the names, title, addresses of all individuals owning more than 10% of the shares. IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

VIP PARTNERS, A CALIFORNIA GENERAL PARTNERSHIP
Person JAMES A. COURTNEY
Title 50% OWNER
Address 1861 S. VIEW DR.
CARLSBAD, CA. 92008

MICHAEL PFANKUCH
Corp/Part MICHAEL PFANKUCH
Title 50% OWNER
Address 3532 DONNA DR.
CARLSBAD, CA. 92008



3. NON-PROFIT ORGANIZATION OR TRUST

If any person identified pursuant to (1) or (2) above is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the non-profit organization or as trustee or beneficiary of the.

Non Profit/Trust NONE
Title _____
Address _____

Non Profit/Trust NONE
Title _____
Address _____

4. Have you had more than \$250 worth of business transacted with any member of City staff, Boards, Commissions, Committees and/or Council within the past twelve (12) months?

Yes No If yes, please indicate person(s): _____

NOTE: Attach additional sheets if necessary.

I certify that all the above information is true and correct to the best of my knowledge.

VIP PARTNERS BY
James A. Courtney 8-11-06
Signature of owner/date

James A. Courtney, 8-11-06
Signature of applicant/date

VIP PARTNERS
JAMES A. COURTNEY,
Print or type name of owner
GENERAL PARTNER

JAMES A. COURTNEY
Print or type name of applicant

Signature of owner/applicant's agent if applicable/date

Print or type name of owner/applicant's agent

1 Section 2. That those lands described as:

2 Lot 7, Block "D", Bella Vista
3 Tract in the City of Carlsbad,

4 be, and the same hereby is granted a conditional use permit to
5 allow the owners thereof to charge for the docking and launching
6 of boats, the erection of one (1) soft drink and lunch stand, the
7 erection of a structure for the sale of gasoline, oil and other
8 accessory products necessary for the use of boats.

9 Section 3. That the foregoing grant of a special use permit in the
10 two preceding sections is hereby declared to be subject to the
11 following conditions:

12 (a) That all structures placed upon the aforesaid
13 described property shall be of a temporary nature,
14 and said structures shall be subject to removal and
15 relocation at any time that the City may request such
16 removal and/or relocation; that said removal and/or
17 relocation of the structures shall be at the sole
18 expense of the owners.

19 (b) That at such time as the City shall hereafter
20 provide a new land use plan and/or master plan for
21 the development of the proposed harbor, that applicant
22 will do all things necessary to comply with such new
23 plans, and that this grant of the conditional use
24 permit shall not operate to create a vested right
25 for the maintenance of any structures contrary to the
26 provisions of such new plans.

27 Section 4. EFFECTIVE DATE This ordinance shall take effect and
28 be in force on the 31st day after its passage.

29 Section 5. PUBLICATION The City Clerk of the City of Carlsbad
30 is hereby directed to cause this ordinance to be published once
31 in the Carlsbad Journal, a newspaper published and of general
32 circulation in said City of Carlsbad.

1 First read at a regular meeting of the City Council of
2 said City held on the 2nd day of August, 1955, and
3 finally adopted and ordered published at a regular meeting of
4 said Council held on the 16th day of August, 1955,
5 by the following vote:

6 AYES: Councilmen Helton, McClellan, Sutton, Acting
Mayor Castorena.

7 NOES: None.

8 ABSENT: Mayor Ede.

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RAYMOND C. EDE, Mayor
of the City of Carlsbad,
Carlsbad, California

By: M. M. Castorena
M. M. CASTORENA
Acting Mayor

ATTEST:

M. O. Ewald
M. O. EWALD, City Clerk

Ladwig Design Group, Inc.

CARLSBAD BOAT CLUB AND RESORT – VARIANCE REQUEST

LADWIG DESIGN GROUP JOB NUMBER L-1094

September 19, 2007

Brief Description of Variance:

This is a request for variance to Policy 8.3 (a) of the Agua Hedionda Land Use Plan that states in part that “no portion of a structure in the intervening area shall be permitted to exceed the elevation of the roadway.”

The Carlsbad Boat Club and Resort meets all setback, height limitations and development standards with the exception of an elevator penthouse structure on the roof that exceeds the height of adjacent Adams St. pavement. (Please note that Section 21.46.020 would allow this protrusion under most conditions.)

The reasons for asking for approval of the elevator penthouse is as follows: with the elevator going to the roof, we will be able to provide emergency access from anywhere in the building to the roof and then directly to Adams St. Emergency vehicles could stay on Adams St. and personnel could easily transport people from the building directly to the Adams St. level via rooftop elevator access. We think the emergency access to the roof including access to any floor of the project is reason enough to have the elevator penthouse be the only portion of the building above the pavement of Adams St.

The details of the size of the elevator penthouse are as follows:

- The closest edge of the elevator penthouse to Adams St. is 148.5 ft. from the center line of Adams St.
- The parapet of the main building is at elevation 53, the same elevation as Adams St. pavement.
- The top of the elevator penthouse roof is elevation 61, which is 8 ft. above the street.

Carlsbad Boat Club and Resort – Variance Request L-1094

September 19, 2007

Page 2

- The size of the elevator is 6 ft. by 8 ½ ft. [51 sq. ft.].
- The elevator penthouse is 8 ½ft. by 14 ft. [119 sq. ft.].
- The drip line of the roof or the outer roof edge is 9 ½ by 15. ft. [142 ½ sq. ft.].
- The total lot area of the Carlsbad Boat Club and Resort is 44,431 sq. ft. [1.02 acres].
- The elevator penthouse roof at the drip line is 0.32 percent of the site.

Based on the above, there is only a 0.32 percent reduction proposed in the visual resource opportunities over the project from the pavement level of Adams St. opposite the project. As described above, the required variance findings identified in Section 21.50.030 of the Carlsbad Municipal Code can be made as follows:

1. All the properties in the area are very steep from Adams St. to the lagoon edge. By allowing the elevator penthouse to extend above Adams St. there is only a 0.32 percent reduction of view lost from the pavement level on Adams St.
2. Many of the adjacent properties have allowed vegetation to extend above Adams St. and the small reduction in view we are proposing would not be special privilege for the project.
3. The granting of this variance would allow preferred access to the structure for emergency personnel, if needed, and would diminish the need for emergency vehicles to enter into the site.
4. The small protrusion above the pavement level of Adams St. is consistent with the intent of the general plan and Agua Hedionda Land Use Plan [less than one half of one percent reduction].
5. The small reduction of view from the pavement level of Adams St. and with the major remainder [99.68%] of the site meeting the letter of the local coastal program and City codes, we request the City grant the variance as described.